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MAY 25 2004

DIRECTOR OFFICE
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In re Application of
Navid Lashkarian
Application No. 09/556,858
Filed: April 21, 2000
For: **MINIMUM VARIANCE UNBIASED
AND MOMENT ESTIMATORS OF
CARRIER FREQUENCY OFFSET IN
MULTI-CARRIER SYSTEMS**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment filed March 29, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

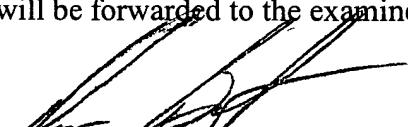
This application became abandonment for failure to timely file a proper response to the Restriction Requirement mailed July 10, 2003 which set a shortened statutory period of one (1) month to reply. That period lapsed without reply, rendering this application abandoned as August 10, 2003. A Notice of Abandonment was mailed on March 17, 2004.

Petitioner alleges to have timely filed a response to the Restriction Requirement on July 16, 2003. To support this position, Petitioner has included with the instant petition, a copy of the postcard receipt, for the filing of the Response to Restriction Requirement on July 16, 2003 and a copy of the Response to the Restriction Requirement.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, “[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO.” Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the amendment submitted with the petition. From there, the application file will be forwarded to the examiner for appropriate action in due course.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications